

Application No. 10/612,748  
Amendment dated 08/01/2005  
Reply to Office Action of June 10, 2005

02-ASD-333 (SR)

### **REMARKS/ARGUMENTS**

#### **Formal issues**

The Examiner objected to the drawings and the claims because of various informalities. Applicant has corrected the informalities to the claims. Applicants filed formal drawings on September 22, 2003, a copy of which is attached. Withdrawal of the objections to the drawings and claims is respectfully requested.

#### **§ 102 rejection**

Claims 1, 4, 8 and 14 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,054,528 to Saitoh ("Saitoh"). Applicant respectfully traverses this rejection.

The Office Action asserted that Saitoh discloses the claimed flow control valve. Applicant respectfully disagrees. The plunger 8b in Saitoh is not the same as the claimed flow control valve because it is not "responsive to a predetermined pressure differential across the valve" to change the flow rate. Instead, the plunger 8b shown in Saitoh is a solenoid-operated valve that response to combined forces applied by a spring 8f and a solenoid 8a. When a nozzle 5 is inserted into a filler pipe 6, the nozzle operates a switch to excite a solenoid 8a. The solenoid excitation causes the plunger to retract against the spring 8b force (col. 2, lines 56-61). Conversely, when the fuel reaches a level high enough to push the plunger 8b against a solenoid force to close a port 7c, fuel flow is stopped and the solenoid is de-energized, allowing the plunger 8b to be upwardly biased by the spring (col. 3, lines 3-12).

Saitoh is silent about pressure differentials across the plunger 8b and about flow rates. Thus, Saitoh fails to disclose the claimed invention because (1) the plunger 8b only responds to energization of a solenoid, spring force, and fuel level, not a pressure differential across the plunger 8b, and (2) the plunger only opens and closes a port and does not adjust the flow rate in a recirculation passage between a first flow rate and a second flow rate. Saitoh therefore fails to anticipate claims 1, 4, 8 and 14, and withdrawal of the rejection is respectfully requested.

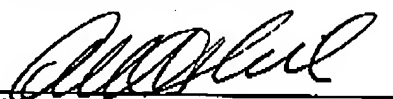
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Applicant thanks the Examiner for indicating that claims 2, 3, 5-7 and 9-13 contain allowable subject matter. For the reasons explained above, however, claims 1-13 are patentable without further amendment. Allowance of claims 1-13 is therefore respectfully requested.

The Commissioner is hereby authorized to charge any fees which may be required or credit any overpayment to Deposit Account No. 05-0275.

Respectfully submitted,



Dated: 8/1/05

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**Please Date and Return**

Date Mailed: September 19, 2003 PDS No.: 02-ASD-333 (SR)  
Serial No.: 10/612,748 Attorney: RAJ  
Filing Date: July 2, 2003 \_\_\_Express Mail

Applicant(s) ROBERT P. BENJEY, et al

Title: CONTROLLING VAPOR RECIRCULATION DURING REFUELING  
OF A TANK THROUGH A FILLER TUBE FROM A DISPENSING NOZZLE

**Documents Sent:**

Normal Drawings

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AUG 01 2005

02-ASD-333 (SR)

**IN THE UNITED STATES PATENT & TRADEMARK OFFICE**

**SERIAL NO.** : 10/612,748  
**FILED** : July 2, 2003  
**FOR** : CONTROLLING VAPOR RECIRCULATION DURING REFUELING  
OF A TANK THROUGH A FILLER TUBE FROM A DISPENSING  
NOZZLE  
**APPLICANT** : ROBERT P. BENJEY & CRAIG H. ALLMAN  
**ART UNIT** :  
**EXAMINER** : Not Yet Assigned

**TRANSMITTAL OF FORMAL DRAWINGS**

Mail Stop PGPUB Drawings  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In accordance with 37 CFR 1.84 and 1.85, please amend the subject application by substituting therein the enclosed drawings consisting of 2 sheets for the informal drawings originally filed with the application.

You are hereby authorized to charge the comparison fee to our Deposit Account No. 05-0275 (two copies of this sheet are provided).

Respectfully submitted,



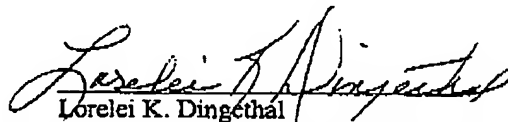
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**CERTIFICATE OF MAILING UNDER 37 CFR 1.8**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

September 22, 2005



Lorelei K. Dingethal